UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,792	04/10/2001	Hendrik Decker	GR 00 P 1715	1912

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EXAMINER
EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/829,792	DECKER ET AL.
	Examiner	Art Unit	
	Hussein A. El-chanti	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 June 2006_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-13_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Response to Amendment

1.   This action is responsive to RCE received on June 15, 2006. Claims 11-13 were

newly added. Claims 1 and 8 were amended. Claims 1-13 are pending examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by

Forslow, U.S. Patent No. 6,608,832.

As to claim 1, Forslow teaches a method of transmitting data with real-time

requirement and data without real-time requirement, which comprises:

providing a plurality of first quality of service classes in an application layer for

transmitting first data with real-time requirement and a plurality of second quality of

service classes in the application layer for transmitting second data without real-time

requirement, said first data with real-time requirement being of a different type from said

second data without real-time requirement (see col. 10 lines 40-col. 11 lines 10, QOS

are applied to real-time and non-real time packets);

selecting a combined quality of service class formed from the first quality of

service classes and the second quality of service classes in the application layer, each

combined quality of service class being allocated transmission parameters specifying a

transmission of the first data and the second data (see col. 10 lines 40-col. 11 lines 27,

the QOS are determined according to the type of packets and the resources are divided

accordingly); and

supplying the first data and the second data and the transmission parameters of

the selected combined quality of service class to a unit of a transport layer, and

transmitting the first data and the second data with the unit taking into consideration the

transmission parameters (see col. 12 lines 35-67, the parameters of each traffic is

provided to make a decision on the QOS that may be applied).

As to claim 2, Forslow teaches the method according to claim 1, wherein the first

data with real-time requirement contain voice data (see col. 5 lines 40-51 and col. 6

lines 17-32).

As to claim 3, Forslow teaches the method according to claim 1, wherein the

second data contain data selected from the group consisting of text data, video data,

and image data (see col. 5 lines 40-51 and col. 6 lines 17-32).

As to claim 4, Forslow teaches the method according to claim 1, which comprises

allocating to each of the first quality of service classes a first priority and to each of the

second quality of service classes a second priority, and specifying, based on the first

and second priorities, a priority with which the first data and the second data,

respectively, are to be transmitted (see col. 12 lines 35-67).

As to claim 5, Forslow teaches the method according to claim 4, which comprises

forming the combined quality of service classes in dependence on the first and second

priorities (see col. 5 lines 40-51 and col. 6 lines 17-32).

As to claim 6, Forslow teaches the method according to claim 1, which comprises

selecting the combined quality of service class with the following steps:

a) selecting a combined quality of service class having the first quality of service

class with a highest first priority and the second quality of service class with a highest

second priority;

b) checking whether a coder to be used can transmit the first data and the

second data according to the transmission parameters of the respective combined

quality of service class;

c) if the checking step results in an affirmative answer, selecting the combined

quality of service class;

d) if the checking step does not result in an affirmative answer, selecting a further

combined quality of service class such that in each case the combined quality of service

class with reduced second priority is selected; and

e) iteratively performing steps b) and d) until the coder can transmit the first data

and the second data in accordance with transmission parameters of the respective

combined quality of service class (see col. 12 lines 35-67 and col. 16 lines 51-65).

As to claim 7, Forslow teaches the method according to claim 1, which comprises

coding and transmitting the first data and the second data as a data stream with a

predeterminable transport layer quality of service class in the unit of the transport layer

(see col. 5 lines 40-51 and col. 6 lines 17-32).

As to claim 8, Forslow teaches a communication device for transmitting first data

with real-time requirement and second data without real-time requirement, wherein a

plurality of first quality of service classes are provided in an application layer for

transmitting the first data and a plurality of second quality of service classes are

provided in the application layer for transmitting the second data, the device comprising:

a processor programmed to select a combined quality of service class formed from the

first quality of service classes and the second quality of service classes in the

application layer, each combined quality of service class being allocated transmission

parameters specifying a transmission of the first data and the second data; and a

transmission unit of a transport layer receiving from said processor the first data and the

second data and the transmission parameters of the selected combined quality of

service class, and transmitting the first data and the second data taking into

consideration the transmission parameters (see 10 lines 35-col. 11 lines 12 and col. 12

lines 35-67).

As to claim 9, Forslow teaches the communication device according to claim 8 configured as a mobile communication device (see abstract).

As to claim 10, Forslow teaches a communications system, comprising said communication device according to claim 8 configured as a first, mobile communication device, and a second communication device, wherein the first data and the second data can be transmitted from said first communication device to said second communication device (see abstract).

As to claims 11, 12 and 13, Forslow teaches the method and device of claims 1, 8 and 10 respectively wherein said first data is of a type including at least one of video data and audio data and said second data is of a type including text data (see col. 5 lines 40-51 and col. 6 lines 17-32).

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hussein El-chanti

Nov. 6, 2006

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